THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.20853 OF 2005

Date:22.09.2005

Between:

M/s Ghori and Company Opticians,

Rep. by its Prop. Hyder N.Ghori,

S/o.Khaja Ghori, aged 70 years,

Occ: Business,

R/o.34/2 RT, Vijayanagar Colony, Hyderabad

… Petitioner

AND

The Director, Insurance

Medical Services,

Opp: Musheerabad Jail, Kavadiguda,

Secunderabad

and others.

… Respondents

ORDER:

The petitioner was chosen as an agency for supply of spectacles to be supplied to the patients covered by the Employees State Insurance. His contract was for a period of one year from 12.10.2001 to 11.10.2002. There was delay in issuing the tender notice for the subsequent period. Thereafter, the tender notice was issued on 15.11.2002. The petitioner filed W.P.No.24346 of 2002, before this Court,

challenging the tender notice. There was an order of interim stay on 05.12.2002. The writ petition was ultimately dismissed on 10.09.2003. Thereafter, the 1st respondent took up the matter for selecting the successful tenderer. The matter was considered at various stages, and ultimately, through its order, dated 24.12.2003, the 1st respondent selected the 3rd respondent for supply of the spectacles, in pursuance of the tender notice. The decision of the 1st respondent, however, was not honoured by the 2nd respondent. After obtaining the opinion from the various authorities in the Government, the 1st respondent issued proceedings, dated 15.09.2005, directing the 2nd respondent to accept the supplies from the 3rd respondent. The same is challenged in this writ petition.

Heard Sri Thakur Singh, learned counsel for the petitioner and

Sri R.N.Reddy, learned counsel for the respondents.

It is not in dispute that the contract of the petitioner ended by 11.10.2002. The fresh tender notice was issued within one month thereafter. On account of the order of stay obtained by the petitioner, the further steps could not be taken, and ultimately the 1st respondent has chosen the 3rd respondent on consideration of the various tenders issued by it. After dismissal of the writ petition filed by the petitioner, the tender of the 3rd respondent was accepted. The 2nd respondent did not obey the same. It was, in this context, the 1st respondent obtained opinion from various Government agencies and insisted that the 2nd respondent must receive supplies from the 3rd respondent. The record discloses that the tender of the 3rd respondent was accepted way back in December 2003. If at all anything, it is the 3rd respondent, who was subjected to disadvantage for one reason or the other for the past about two years. The petitioner is not able to demonstrate any material irregularity in the entire process. This Court does not find any basis to interfere with the impugned order.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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22.09.2005

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